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August 24, 1979

Mr. Irv Drasnin
CBS Inc
51West 52nd Street
New York, New York 10019

RE: Uhl v. CBS

Dear Irv:

With apologies for the delay in my getting these materials to you, I am enclosing three copies each of memoranda which I have prepared which deal broadly with my notes of the recollection of Meg Clarke, Maurice Murad and yourself concerning our discussion of the documentary "The Guns of Autumn" when I was in New York earlier this month. These memoranda basically spell out the matters which I might want to elicit from you or them in the course of their testimony at the trial in Erie. We will, of course, have an opportunity to discuss these matters before any of you is called to the witness stand. At that time, we can discuss any matters in my notes which need to be corrected or any matters which should be added or elaborated upon.

I will appreciate it if you will arrange for one set of these memoranda to go to both Meg and Maurice for their respective review.

Sincerely,

REED SMITH SHAW & McCLAY

BY: Gil H.
Gilbert J. Helwig

GJH:rep
Enclosures

IRV DRASNIN

I. Background - Irv Drasnin was born in Charleston, West Virginia and his family moved to Los Angeles when he was four years old. He grew up in Los Angeles where he attended public schools and later the University of Southern California at Los Angeles where he earned his B.A. degree with a major in political science and international relations in 1956. He turned down a scholarship to Berkeley Law School and worked for a year for the Waltham News Tribune and also on a program involving international student relations. In 1957 he began graduate work at Harvard University in East Asian studies earning a Master of Science degree with a major in Chinese in 1959. After graduation he went to work for the UPI and worked for approximately one year in Pittsburgh, Pennsylvania with the Eastern Division News Section of the UPI. He was transferred to New Jersey and went to work for CBS News in 1961. He has worked at CBS for eighteen years. The first seven years he was employed as a news writer working on the CBS evening news, on the Walter Cronkite show, etc. In 1968, he began making documentaries and since that time has produced about fifteen documentaries dealing with a wide range of subjects including football, China, health care, Rhodesia, advertising, the steelworkers union, etc. He has received special honors at the New York University School of Communications and many other awards for his work. He received awards from the

Directors' Guild and from the Writers' Guild for the documentary "The Guns of Autumn". (For a fuller statement of Mr. Drasnin's background see the biography which is at the rear of the materials collected in connection with his witness file.)

II. The Background of the Documentary "The Guns of Autumn" - In August of 1974, the suggestion was made that Irv consider producing a documentary dealing with the subject of hunting in America. The suggestion was that the documentary explore a wide range of sociological and historical data about hunting inquiring, perhaps basically, "why do we hunt?". In the early discussions, comments were made that a very small percentage of modern hunting is done because of the need to get food and that there must be other deep and underlying reasons why more than twenty million Americans spend millions of dollars every year to participate in the sport. He also noted that the sport of hunting evoked strong feelings and passions both from those who engage in hunting and those who do not and are against it. The quest of the documentary was to explore some of these questions, why the tradition developed, why it had survived, what it involved with respect to the use of land and the preservation of animals, etc.

From the beginning, Irv had no strong feelings concerning the sport of hunting. He could not be rated then or now as either "pro-hunting" or "anti-hunting". He sought information both critical and laudatory about hunting. He directed this assignment to the research department and it was assigned to Meg Clarke. Meg was asked to gather a variety of

information relating to the hunting season schedule; kinds of hunting done in different locations; and other information designed to enable them to establish an appropriate schedule for the taking of film for use in the documentary.

III. Factors Which Entered Into the Selection of Filming Sites - About a week after the research assignment was given to Meg Clarke, Irv received some preliminary data which showed, among other things, that the earliest scheduled hunting period would be the bear hunting season in Michigan. This scheduling factor strongly influenced the decision to go to Michigan for the first segment of the film. However, it was decided early in the planning that they wanted to film a wide variety of hunting including different kinds of game such as bear, deer, waterfowl, and possibly small game. The factors which influenced their choice of filming sites included the following:

1. They wanted the activity to be representative of a significant kind of hunting done by ordinary people in the United States, as contrasted to the elitist-kind of hunting shown on some sports shows which involve safaries to Africa or to Alaska.

2. The filming had to be logistically feasible, that is to say, they would need the cooperation of the persons in charge of the hunting area and the scheduling would have to fit in with the time constraints with which they were faced.

3. They wanted to have a geographical balance so that the filming included different parts of the United States.

4. They wanted the hunting activities which were filmed to be a cross-section of the kinds of hunting which can be found in the United States. That is to say hunting at private reserves, hunting on public domain, hunting various types of animals, etc. In addition by the choice of these varying sites and kinds of hunting they hoped to get a typical cross-section of the American hunting public.

5. Finally, of course, their choice of sites, etc., was influenced by budget restraints and considerations.

IV. The Pymatuning Sequence - The decision to go to Pymatuning was reached as a result of a meeting which Meg Clarke had gone to in Pennsylvania. Meg had gone to the meeting primarily because she had learned that Pennsylvania had the largest number of licensed hunters of any state in the United States. At the meeting she spoke with some of the Pennsylvania officials and got an invitation for the filming crew to come to Pymatuning at the opening of the waterfowl hunting season. The Pennsylvania representatives offered cooperation and stated that the Pymatuning game reserve would be an example of the refuge system of game management.

The filming at Pymatuning took place on October 11, and 12, 1974. Representatives of the Pennsylvania Game Commission were with the CBS people most of the time they were at Pymatuning. The only exceptions were that the CBS crew was alone in the duck hunting area when that was filmed and there was no CBS representative at Blind 21 during the filming there. (There was a representative present at the parking lot which was about 50 yards away from the Blind when the filming occurred which is the subject matter of this action.) The personnel who were present at one time or another were either Sutherland, Servey and in some instances perhaps Sickles.

Irv was present at Blind 21 for some of the time but was not present during the actual filming. He recalls that the crew was taken to Blind 21 sometime around 11:00 AM in the morning and that there was a considerable wait for geese to arrive at the scene. He left the Blind and went back to the parking area before the filming began. The Game Commission representative who had been with them also went back to the parking area where Meg Clarke was also stationed. The occupants of the Blind at that time included only the members of the hunting party and the two members of the film crew.

While he was not present when the filming was done at Blind 21, Irv is quite adamant in his belief that the filming crew would not have instructed the hunters to shoot the geese on the ground. This would violate a cardinal rule which CBS follows in filming public events not to structure the events or to give instructions which will have the effect of doing so. Irv believes that the Pymatuning segment of the documentary accurately reflects the events that occurred there, that it does not portray any participant in a false way nor in a manner which suggests that he is a "slob hunter". In particular, he disagrees with the assertion that the film portrays the Plaintiff as having shot a goose on the ground. If anyone had wanted to give the impression that the hunters were shooting

at geese while they were on the ground it would have been easy to do it in a different manner. In addition, if they had wanted to create a bad impression about Pymatuning, they could easily have done so by including in the segment sections of the film which were taken out, including the omission of the so-called "murderers' row" (hunters in close proximity in many different positions in the open areas of the hunting); some of the film showing dogs retrieving wounded waterfowl; some of the additional footage of crippled waterfowl on the ground. In addition, the commentary made no reference to the kind of skybusting which went on at the opening of the hunting session nor to the widespread complaints about the use of lead pellets which cause the killing of millions of waterfowl, etc.

V. Criticism of the Pymatuning Episode and Related Matters - Irv has had several occasions to evaluate and comment upon some of the criticism leveled at the documentary "The Guns of Autumn", including the Pymatuning segment. (See materials in the rear of the Dresnin section of the witness file and also materials in folder 2 of Company Papers.)

Among other things, Irv points out that it is not true that CBS personnel misled the Pennsylvania Game Commission concerning the purpose of the proposed documentary. He remembers being present at the meeting when Sutherland introduced himself and Servey came over and there was some discussion about CBS' interest in a documentary about hunting. It was stated that CBS was interested in taking films of actual hunting scenes engaged in by ordinary American people not staged hunting scenes like those used in the program "The American Sportsman". There was no statement made that it would be either pro or anti-hunting. The Pennsylvania representative stated that Pymatuning was one of the greatest places at which to film such activity and the offer was made to arrange for it. Irv called later and made the arrangements and the filming was done in about a month. Filming was taken at three areas: controlled goose blinds, the controlled duck hunting area and in the public areas. At Pymatuning, CBS was trying to film the ordinary experiences of ordinary people. The criticism that the film improperly edited and left out film

segments which would have been favorable is not correct. In the first place, the ratio of film taken and film edited at the Pymatuning segment is roughly equal to that which is normally done, i.e., approximately about eighteen-to-one. In other words, normally, a camera crew will take about eighteen times as many feet of film as would ultimately be used in the broadcast.*

Perhaps more important, there was no editing done with the purpose of eliminating favorable materials and using only unfavorable materials. The accusations in some of the sports columns that the script omitted favorable materials is just not correct. Among other things, the narration used in the film segments dealt with the hunter's role in conservation and the need for management as well as a description of the Pymatuning operation. (See, for example, the segment of the script which states:

> "This is a management area for waterfowl in Pymatuning, Pennsylvania. The State Game Department created a permanent home for thousands of ducks and geese raised here. It is also a feeding ground for thousands more migrating south each year ... and a hunting ground for the Pennsylvania sportsman. In autumn there are estimated to be 40,000 ducks and geese in Pymatuning. Management works."

It is also interesting that in one sports column, namely Roger Latham's article about the MUCC suit in Michigan

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* This is confirmed by the data given to us by Maurice Murad which shows that the total footage taken at Pymatuning was approximately 3200 feet of which 400 feet was taken on the first day and 2800 feet on the second day. In the documentary as used, 46 feet were taken from the first day's film (approximately 11%) and 259 feet taken from the second day's filming (approximately 9.25%). Of the Blind 21 episode, between 400 and 600 feet of film was taken and 54 feet was used. This would range from 9% to 11%. These statistics are well within the range stated above.

which appeared in the Sunday Pittsburgh Press of May 9, 1976, Latham asserts:

> "The statement was made in the film that shooting started a half hour before shooting time. As anyone who has been lucky enough to have a permit for goose blind at Pymatuning on the first day will tell you that this is just not true. There is a game protector breathing down your neck every minute."

It is interesting that in the other sports columns which appeared six months earlier, representatives of the Pennsylvania Game Commission are quoted as saying that there were "hundreds of arrests" and the criticism directed at CBS is the (false) accusation that CBS had taken films of such arrests and had not shown any of them. (See Jimmy Jordan column Pittsburgh Post-Gazette October 24, 1975).

Latham's column also states:

> "There were 'special' shots of a man stoning a crippled goose and another standing on the neck of another cripple. It must have taken quite a bit of glib talking to get the 'actors' to perform this service. This in no way is normal hunter behavior."

Interestingly, both of these scene were completely unarranged and occurred exactly as they were shown in the film. The man stepping on the neck of the crippled goose was one of the hunting party in the Uhl group and no complaint has been

made by anybody which in anyway suggests that that scene was staged or that the act was done for any purpose except a normal, humane way of permitting the goose to die.

These segments illustrate the unfairness, distortion and anger of the hunting community in its reactions to the film.

For a broader statement of Irv's careful evaluation of the propriety of the documentary, of its purposes, and of the methods used, see the additional materials at the rear of his section of our witness file, including the text of the talk which he gave in January, 1976 in Augusta, Maine and the article which appeared in the New York Times on Sunday, September 14, 1975.

In the Augusta, Maine talk, Irv responded to some of the criticisms of the documentary as follows:

> "There has been a litany of charges and assumptions ... about the broadcast .... Among those charges are these:
>
> 1) That we staged events or parts of them; that we arranged for, even paid for, even used paid actors for at least some of those events reported in the broadcast. We did not -- not once;
>
> 2) That some of the sound, particularly of gunshots, was not real ... that we dubbed in sound effects. We did not;

3) That either out of ignorance or premeditated malice, we sought out and depicted only the so-called 'slob hunter' usually when drunk. We did not, nor did we ever see or film a drunken hunter;

4) That we misrepresented the purpose of the film, and furthermore claimed that it was to be part of a celebration of the nation's bicentennial. We did not;

5) That we knowingly and purposefully conspired with anti-hunters to present their point of view about hunting and deliberately set out to discredit the sport of hunting and to deprive Americans of their firearms. We did not."

(On page 7 of the text of this speech, there is also an interesting summary of the reasons why fifteen minutes of the eighty minute broadcast dealt with the subject of shooting preserves. The talk also contains some interesting commentary which refutes the accusation that the program considered only anti-hunting material; which shows there were many many areas of hunting abuse which could have been used if it had been the purpose to embarrass hunters but that these materials were not used, which states the general goals and purposes of the documentary, etc.) Questions eliciting these responses can easily be used in the course of Irv's direct-examination.

As Irv points out documentaries are not pre-scripted, nothing was written until the film had been taken and cut. The principle was one of search. The quest was to include enough different kinds of hunting to present a broad spectrum of hunting as it actually is. They were not interested in doing a hatchet job. On the other hand, they were not interested in doing a puff job. Their goal was to show things as they were and he believes that was what was accomplished.

Finally, Irv commented that the team which worked on the documentary are top professionals. That he is quite sure that neither Bill Wagner and Bob Cook, the film crew, nor Maurice Murad, the film editor, or the others who worked on the program would ever do anything improper and that they did not selectively edit.

MAURICE MURAD

I. Background - Mr. Murad was born and raised in New York. He attended the New York City College Film Institute where he majored in film technique. His first employment in this area was in doing industrial filming and commercials. He worked for ABC where he participated in the preparation of the documentary on President Franklin D. Roosevelt. He has worked for CBS since the summer of 1962. Since coming to CBS, he has worked on a documentary dealing with the 21st century in the United States, on the CBS Reports and on the documentary concerning Terry Eagen, an autistic child.

Maurice's present responsibility is film editor. The editor's function with respect to a CBS documentary, is to look at the materials with the producer; to examine the film; to eliminate any film which is defective because of bad focus or lack of technical merit and then to make an appropriate selection of the remaining good film which is an appropriate relationship to the time allotted to the documentary and to the materials which the filming episodes portray. The primary goal is to show what really happened at the places where the film was taken.

Mr. Murad performed the editing function for the documentary "The Guns of Autumn".

II. The Pymatuning Segment - The editing of the Pymatuning segment followed the normal procedures set forth above. Mr. Murad is quite certain that it was not his goal to present a distorted anti-hunter view of the Pymatuning episode and that the end result was a fair portrayal of the events which were actually filmed at Pymatuning.

The proportion of film used at Pymatuning is consistent with the normal standards of editing. There was 3200 feet of film taken at Pymatuning; 400 on the first day; 2800 on the second. Forty-six feet of the film taken on the first day was used, 259 feet of the film taken on the second day was used. These are consistent with their normal percentages of use. Mr. Murad was not able to state the exact footage taken at Blind 21 but he estimates it to range from 400 to 600 feet of which 54 feet appear in the documentary. This percentage is also consistent with the normal range of use.

Not only is Maurice sure that there was no intentional distortion of the Pymatuning segment in the course of editing, but he has viewed the film many times since the documentary was edited and he is satisfied that the film does not portray geese as being shot on the ground by the hunters in Blind 21. He states that this is clear for several reasons:

First, the site at which the hunting occurred is relatively level with the location of the geese on the ground being in front of the Blind but at a slightly lower elevation. In these circumstances, if a hunter had aimed his gun at a goose walking on the ground, the projection of the barrel would have been at least slightly downward. In the film, the projection of the gun barrel is at least slightly upward.

In addition, the scene immediately before the firing takes place shows the hunters looking into the sky. (We have prints of this sequence which confirm this.) This certainly does not suggest their target was on the ground.

Finally, the sound which appears in the background of the Blind 21 segment accurately and clearly portrays two variety of sounds which occurred immediately before the shooting occurred. The first of these sounds is the noise of the corn rustling as the hunters rise and the second is a clear flapping of wings of such a level as to suggest strongly that the geese which had been on the ground had risen and were now in flight. (It is possible, of course, that the flapping sound came from birds which were

approaching from the sky, but this is unlikely, in Mr. Murad's opinion. In either event, the sound of the birds flying, given its position in the sequence would be significant to any careful observer.)

Mr. Murad points out that there was no distortion in the editing of any part of the film including the Blind 21 segment. The CBS guidelines which govern the conduct of film editors was fully complied with. (For guidelines, see materials at the rear of Murad section of the witness folder.)

Maurice points out that if someone had wanted to edit the film to show that the geese had been shot on the ground, it would not have been edited as it was. It could have been edited in a way which would suggest that, he believes. This was not done.

In addition, he points out that there were segments of the "outtakes" which would certainly have been included in the film if the purpose had been to present an anti-hunting documentary. He had reference to the matters referred to by Irv Drasnin, namely the "murderers' row" episode, some of the scenes of bleeding, etc.

importance of the proposed broadcast clearly outweighs the disadvantages of the procedure and there are sound reasons for such procedure and (ii) will be permitted, in any event, only upon specific approval by the President of CBS News or the General Manager of the station involved.

3. EDITING. Editing is an area, obviously, which does not lend itself to broad and universally applicable rules. There are many varying circumstances. But there is one basic requirement. We must continue to be meticulously careful, in all circumstances, that the editing results in a clear and succinct statement which reflects, fairly, honestly, and without distortion, what was said.

Individual reaction and reverse shots made out of natural time sequence are generally a "convenience" technique. They are permissible (except as noted below) but may be used only when they are shot in the presence of the interviewee or his representative or, if the interviewee or his representative does not want to wait around, only after an explanation to him about what is to be done and the receipt of his express consent.

It shall continue to be the responsibility of the editor and/or producer to examine and compare all actual questions with reverse questions, as well as reaction shots and composite editing to determine that there is no distortion or alteration of content or meaning from its original sense. In any case, where the reverse question differs from the original question in tone, in character, or in content, the reverse question may not be used. Reverse questions (and composite editing) shall not be used to clean up a poorly phrased or poorly stated original question.

In broadcasts which consist of a single interview, or in magazine broadcasts where an entire segment is devoted to a single interview in which the interviewer plays a significant part, multiple cameras shall be used, except where space and time preclude it, obviating the need for reverse questions or reaction shots which do not occur at the precise time that the interviewee is saying the words being heard.

In addition to the foregoing, the following rules are applicable to documentary broadcasts:

a. If the answer to an interview question, as that answer appears in the broadcast, is derived, in part or in whole, from the answers to other questions, the broadcast will so indicate, either in lead-in narration, bridging narration lines during the interview, or appropriate audio lines.

b. If more than one excerpt from a speech or statement is included in a broadcast, the order of their inclusion in the broadcast will be the same as the order of their inclusion in the speech or statement, unless the broadcast specifically indicates otherwise.

c. Transcripts of the entire interview will be made available to the interviewee after the broadcast, upon request of the interviewee.

4. PRERECORDING AND SOUND EFFECTS. Where a filmed or taped excerpt is used in an otherwise live broadcast and is so juxtaposed with the live segment that the fact it is filmed or taped is not readily apparent, the disclosure that the excerpt is filmed or taped shall be made immediately in connection with the use of such film or tape if the element of time is of special significance.

Whenever a dramatized or recreated scene on film or tape which was originally made for one broadcast or purpose is taken out of its original context and used in another broadcast that fact should be made clear and there should be proper identification of the original source.

Sound may be added when it is needed to maintain the continuity of natural sound already established and when editing techniques require the insertion of segments of a story that were filmed without sound because of technical considerations, such as equipment limitations. In those instances where the maintenance of sound "presence" is necessary, the use of sound should be limited to the minimum required to achieve the effect of sound continuity, and should be limited to natural sound obtained at a time and place related to the story.

Sound effects may not be used with a silent film story to give the impression that the story was filmed with natural sound. However, actuality sound recorded on tape at an event may be used with silent film of the event when the sound segments are compatible with the scenes being used.

Natural sound, whether on film or magnetic tape, may not be magnified or diminished from its actual level for the purpose of achieving a deliberate editorial effect. However, volume may be adjusted to meet technical requirements and the sound intelligibility of a story.

If a speech or a statement is filmed or taped either before or after its delivery before the group to whom it was addressed, it should be clearly identified when broadcast, as having been specially delivered for cameras and microphones.

Reporting that the viewer or listener is being taken to a given locality is forbidden unless in fact a switch is made to that locality at the time of the broadcast. Such a statement is prohibited when the film or tape is being carried not from the original locality but rather has been transported to the place of the broadcast which is other than the original locality.

5. FILM NOT MADE IN THE PRESENCE OF A CBS CORRESPONDENT. Material obtained from stringers and other non-staff sources may be used so long as producers and others involved are reasonably satisfied that the material